

**COMMONWEALTH OF KENTUCKY  
EXECUTIVE BRANCH ETHICS COMMISSION  
CASE NO. 11-011**

**IN RE: DANITA FENTRESS-LAIRD  
ALLEGED VIOLATION OF KRS CHAPTER 11A**

**INITIATING ORDER  
Initiation of Administrative Proceeding  
And Formal Complaint**

The Executive Branch Ethics Commission (the “Commission”), upon its own motion, initiated a preliminary investigation of Danita Fentress-Laird (the “Respondent”), pursuant to KRS 11A.080(1), on July 11, 2011.

At all relevant times the Respondent was a “public servant” as defined in KRS 11A.010(9), and thus subject to the jurisdiction of the Commission.

The Commission initiated the preliminary investigation to determine whether it has sufficient probable cause to believe the Respondent violated provisions of KRS Chapter 11A (also referred to herein as the “Ethics Code”).

The Commission focused its investigation upon the Respondent’s possible violation of the Ethics Code by using her official position to give herself a financial gain and an advantage in derogation of the public interest at large; using her official position to secure or create privileges, exemptions, advantages, or treatment for herself in derogation of the public interest; failing to avoid all conduct which might in any way lead members of the general public to conclude that she is using her official position to further her professional or private interest; and failing to abstain from action on an official decision in which she has a personal or private interest and failing to notify her superior in writing of her reasons for abstaining so that her superior could have an impartial third party make the decision.

The Commission notified the Respondent of the preliminary investigation by letter dated July 12, 2011. During the course of the investigation, the Commission found probable cause to believe that a violation of KRS Chapter 11A had occurred and voted on December 2, 2011, to initiate an administrative proceeding, pursuant to KRS 11A.080(4)(b) and KRS Chapter 13B, to determine whether the Respondent violated the Ethics Code as set forth in the Allegations of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.

**IT IS THEREFORE ORDERED** that:

1. The Respondent shall file her answer to this Initiating Order within twenty (20) days from the date of service, verifying the truth and accuracy of any answer submitted.
2. The Respondent shall appear at a hearing to be scheduled by subsequent order and be prepared to defend against the Commission's allegations that she committed the Ethics Code violations set forth in the Allegation of Violations, attached hereto and incorporated fully herein as Appendix A to this Initiating Order.
3. A Hearing Officer will be designated by the Administrative Hearings Branch of the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.
4. The Commission is represented by Kathryn H. Gabhart, General Counsel, and John R. Steffen, Executive Director. They may be contacted through the Commission's office at (502) 564-7954.
5. All original material shall be submitted to the Executive Branch Ethics Commission, #3 Fountain Place, Frankfort, Kentucky 40601. A copy of all materials

shall be served on the designated Hearing Officer at the Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204.

6. The Respondent has the right to legal counsel during this proceeding. If the Respondent retains legal counsel, that person shall file an appearance with the Commission, and thereafter all correspondence from the Commission to the Respondent shall be mailed or delivered to the Respondent's attorney.

7. The Respondent has the right to examine upon request, at least five (5) days prior to the hearing, a list of witnesses the Commission expects to call at the hearing, any evidence that will be used at the hearing and any exculpatory information in the Commission's possession.

8. The Respondent has the right to subpoena witnesses on her own behalf. If the Respondent subpoenas witnesses, she shall pay for all costs associated with the subpoenas' issuance, including any applicable witness fees.

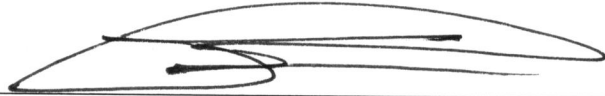
9. If the Respondent fails to attend or participate as required at any stage of the administrative hearing process without good cause shown, she may be held in default pursuant to KRS 13B.050(3)(h).

10. The Respondent has a right to appeal any final Commission order to the Franklin Circuit Court within thirty (30) days of service.

11. This proceeding is subject to KRS Chapter 11A, the Commission's regulations, the provisions of KRS Chapter 13B, and any Order issued by the Commission or its hearing officer issued during this administrative proceeding.

So ordered this 2nd day of December 2011.

**EXECUTIVE BRANCH ETHICS COMMISSION:**



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Ronald L. Green, Chair



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Angela Edwards, Vice-Chair



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W. David Denton, Member



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William L. Knopf, Member



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William G. Francis, Member

**APPENDIX A  
CASE NO. 11-011  
INITIATING ORDER**

**ALLEGATION OF VIOLATIONS**

The Respondent, Danita Fentress-Laird, was at all relevant times an employee of the Commonwealth of Kentucky, serving in the Department of Agriculture. As such, the Respondent was subject to the jurisdiction of the Commission. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Danita Fentress-Laird committed the following violations:

**COUNT I**

Danita Fentress-Laird, during her course of employment as Director, Division of Personnel and Budget, Office of Strategic Planning and Administration, Department of Agriculture, used her official position to give herself a financial gain and an advantage in derogation of the public interest at large; used her official position to secure or create privileges, exemptions, advantages, or treatment for herself in derogation of the public interest; failed to avoid all conduct which might in any way lead members of the general public to conclude that she was using her official position to further her professional or private interest; and failed to abstain from action on an official decision in which she had a personal or private interest and failed to notify her superior in writing of her reasons for abstaining so that her superior could have an impartial third party make the decision.

Specifically, in September through December of 2010, Fentress-Laird used her position as the Director of the Personnel Division, a non-merit position, to influence her superiors to allow her to create an assistant director classified, merit position in her division, which she took actions to ensure was filled by herself. Fentress-Laird took the following actions to ensure that she was placed in the classified, merit position: Fentress-Laird contacted the Department of

Personnel to establish the new position and drafted the position description and job duties; Fentress-Laird applied as a candidate for the position after assigning her subordinate, Alisa Edwards, with the job of conducting the interviews; Fentress-Laird created the interview questions and possible acceptable answers for Ms. Edwards to use during the interview process; Ms. Edwards reported to Fentress-Laird her recommendation for the best candidate for the position, which happened to be Fentress-Laird; Fentress-Laird reported Ms. Edwards recommendation to the Commissioner of Agriculture; and Fentress-Laird directed Alisa Edwards to establish the pay grade for her new position as assistant director through the Personnel Cabinet.

After Fentress-Laird applied for the position and thus appeared before the Department of Agriculture, Fentress-Laird made no attempt to abstain from participating in the hiring process illustrated by her actions listed in the previous paragraph and her actions of responding to outside inquiries by potential applicants concerning the new position and failing to remove her name from the "Register Team" allowing her access to the other candidates' applications and personal information. All of these actions show Fentress-Laird's failure to avoid conduct that would lead members of the public to conclude that she was using her official position to further her own professional or private interests.

These facts constitute a violation of KRS 11A.020(1)(c) and (d), (2) and (3).

KRS 11A.020(1)(c) and (d) provide:

(1) No public servant, by himself or through others, shall knowingly:

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(c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family;  
or

(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for

himself or others in derogation of the public interest at large.

KRS 11A.020(2) provides:

- (2) If a public servant appears before a state agency, he shall avoid all conduct which might in any way lead members of the general public to conclude that he is using his official position to further his professional or private interest.

KRS 11A.020(3) provides:

- (3) When a public servant abstains from action on an official decision in which he has or may have a personal or private interest, he shall disclose that fact in writing to his superior, who shall cause the decision on these matters to be made by an impartial third party.

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